

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JULIA POWELL KELLER-MCINTYRE,

No. C-06-3209 MMC (EMC)

Plaintiff,

v.

COLLEGE OF HEALTH & HUMAN
SERVICES, SAN FRANCISCO STATE
UNIVERSITY,

**ORDER GRANTING PLAINTIFF'S
REQUEST FOR FURTHER
DEPOSITION OF RYSZARD DZIADUR;
AND DENYING REQUEST FOR
SANCTIONS**

Defendant.

(Docket No. 100)

Plaintiff Julia Powell Keller-McIntyre has filed a motion asking for leave to redepose Ryszard Dziadur and for sanctions. Having considered the parties' submissions, and good cause appearing therefor the Court hereby **GRANTS** the motion for a further deposition but **DENIES** the motion for sanctions.

Mr. Dziadur is the Director of College Operations/Comptroller. Ms. Keller-McIntyre argues that, during his deposition, opposing counsel acted improperly by making "lengthy speaking objections to the extent that it was impossible to get an answer to the question from the witness." Mot. at 1. The Court has reviewed the transcript of the deposition. Based on this review, the Court concludes that counsel for the College did make a large number of objections -- many of which were speaking objections -- and that, as a result, some of Ms. Keller-McIntyre's questions were derailed, even though counsel for the College never specifically instructed Mr. Dziadur not to answer any question. The Court also notes that, although counsel for the College clearly had an obligation to state an objection on the record in order to preserve it, at least some of the objections were

1 questionable on the merits. Accordingly, the Court shall allow a further brief deposition of Mr.
2 Dziadur.

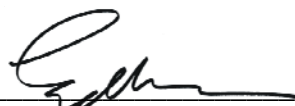
3 The Court, however, shall limit the deposition to one (1) hour only. Based on the Court's
4 review of the transcript, it appears that Mr. Dziadur has little relevant information to impart.
5 Although Ms. Keller-McIntyre claims that Mr. Dziadur is the right-hand man of the Dean, one of the
6 alleged discriminators, Mr. Dziadur has essentially disclaimed any knowledge of discrimination by
7 the Dean. In addition, Mr. Dziadur did not seem to have the knowledge needed to answer many of
8 the questions posed. For instance, simply because Mr. Dziadur is a higher administrative official at
9 the College does not mean that he (as opposed to, *e.g.*, a human resources supervisor) has
10 information about duties of employees and classification levels for employees. Furthermore, a fair
11 number of the questions asked by Ms. Keller-McIntyre were of borderline relevance only. *See, e.g.*,
12 Tr. at 34 ("[I]s it possible to be competent and be rated low?").

13 Finally, while the Court shall allow the redeposition of Mr. Dziadur, it denies Ms. Keller-
14 McIntyre's request that opposing counsel be ordered to pay for the cost of the redeposition. Many
15 of the objections were justified -- perhaps not in length but in terms of substance. More important,
16 at no point did opposing counsel ever instruct Mr. Dziadur not to answer a question. Ms. Keller-
17 McIntyre may have abandoned a question after an objection but that blame should not be placed on
18 opposing counsel alone. Ms. Keller-McIntyre made the decision to represent herself rather than be
19 represented by counsel. If the continued deposition of one (1) hour takes place, Ms. Keller-
20 McIntyre shall bear the cost of reporter fees.

21 This order disposes of Docket No. 100.

22
23 IT IS SO ORDERED.

24
25 Dated: October 31, 2006

26
27 
28 EDWARD M. CHEN
United States Magistrate Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JULIA POWELL KELLER-MCINTYRE, No. C-06-3209 MMC (EMC)

Plaintiff,

v.

CERTIFICATE OF SERVICE

COLLEGE OF HEALTH & HUMAN
SERVICES, SAN FRANCISCO STATE
UNIVERSITY,

Defendant.

I, the undersigned, hereby certify that I am an employee in the U.S. District Court, Northern District of California. On the below date, I served a true and correct copy of the attached, by placing said copy/copies in a postage-paid envelope addressed to the person(s) listed below, by depositing said envelope in the U.S. Mail; or by placing said copy/copies into an inter-office delivery receptacle located in the Office of the Clerk.

Julia Powell Keller-McIntyre
P.O. Box 320662
San Francisco, CA 94132
415/314-4204 (cell)
415/405-3943 (work)

***ALL OTHER COUNSEL/PARTIES TO
RECEIVE ORDER VIA ELECTRONIC
FILING***

Dated: October 31, 2006

RICHARD W. WIEKING, CLERK

By: /s/
Leni Doyle
Deputy Clerk